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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,287	02/11/2004	Nicholas D. Woodman	23769-07988	5427
758	7590	01/19/2005		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER GRAY, DAVID M	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,287

Applicant(s)

WOODMAN, NICHOLAS D.

Examiner

David M Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-29 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 30-47 is/are rejected.
- 7) ☒ Claim(s) 4,6,8,15,18,22,31,32,38,43 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are unclear and contain extraneous shading. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “strap is integrated into an article of clothing”, claims 12 and 29, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The use of the trademark VELCRO, SPANDEX and LYCRA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

Claims 4, 6, 8, 15, 18, 22, 31, 32, 38, 43, 44 and 46 are objected to because of the following informalities: applicant must use the generic term for trademarked items in the claims. Appropriate correction is required.

Claims 2 and 20 are objected to because of the following informalities: the claimed “strap is configured to secure an object” is inaccurate. The strap is configured to secure a camera to an object. The strap does not secure the object. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-12 and 30-45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lyer et al.

Regarding claim 1, Lyer et al. disclose an apparatus for securing a camera having “a strap [12, 14] structured to pivotally secure a first location of the camera or camera housing in a first secured position [eye level]; a releasable catch mechanism [60, 62] coupled with the strap [at 18, 20], the releasable catch mechanism structured for releasably coupling a second location [against the body] of the camera or camera housing, wherein the camera or camera housing is in the first secured position when uncoupled with the releasable catch mechanism and a second secured position when coupled with the releasable catch mechanism.

Regarding claims 2 and 3, “the strap [12, 14] is configured to secure [to] an object [the camera user’s neck].”

Regarding claims 5 and 6, “the strap [12, 14] comprises a first portion of a securing mechanism [ends of straps 12, 14 extending from 30, 32 inserted into buckles 26, 28 (buckle assembly)] that is a reciprocal of a second portion of the securing mechanism [ends of straps 12, 14 looped through 18, 20 inserted into buckles 26, 28], the second portion of the securing mechanism coupled with the camera or camera housing [by 18, 20].”

Regarding claims 7 and 8, “the releasable catch mechanism [60, 62] includes a first portion of a securing mechanism [60] structured to couple a second portion of a securing mechanism [62] on the camera or camera housing [attached at 18, 20], the second portion of the securing mechanism being a reciprocal of the first portion of the securing mechanism [60 and 62 are a hook and loop pair].”

Regarding claim 9, Lyer et al. discloses “a loop [18, 20] coupled with the strap [12, 14] and the releasable catch mechanism [60, 62].”

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Regarding claim 10, “the strap [12, 14] comprises a closed loop [between 18-26 and 20-28].”

Regarding claim 11, “the camera or camera housing [16] and the strap [12, 14] comprise a unibody construction [as shown in figure 1].”

Regarding claim 12, “the strap [12, 14] is integrated into an article of clothing [a harness].”

Regarding claim 30, Lyer et al. disclose “a camera [16]; a first securing structure [12, 14] located at a first location on the camera [in loops 18, 20 attached to 22, 24]; and a second securing structure [60, 62] located at a second location on the camera [in a second part of loops 18, 20], wherein the first securing structure and the second securing structure are configured to allow the camera to secure to an object in a first secured position [eye level] and a second secured position [against the body].”

Regarding claim 31, the straps are secured at 26 and 28 which meet the claimed “attachment bar.”

Regarding claims 32 and 33, the “second securing structure [60, 62]” is a hook and loop pair.

Regarding claims 34 and 35, the device is “integrated with a housing of the camera” when the device is attached as shown in figure 1.

Regarding claim 36, Lyer et al. disclose a “harness [10] comprising: a strap [12, 14] configured to pivotally secure a first portion of the handheld device [18, 20]; and a catch mechanism [60, 62] coupled with the strap and configured to releasably couple a second portion of the handheld device [at a second part of 18, 20], wherein uncoupling the catch mechanism

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from the handheld device comprises a first secured position [eye level] and coupling the catch mechanism comprises a second secured position [against the body].”

Regarding claim 37, “the strap [12, 14] comprises a flexible material [col 3, lns 51-54].”

Regarding claim 38, “the catch mechanism [60, 62] is a hook and loop pair.

Regarding claim 39, “the strap [12, 14] comprise a closed loop [between 18-26 and 20-28].”

Regarding claim 40, Lyer et al. disclose a “harness [10] comprising: a strap [12, 14] configured to secure the harness to an object [the user]; a catch mechanism [60, 62] having at least a portion connected to the strap [at 18, 20]; and a coupling mechanism [48, 50] configured to secure the camera or camera housing, the coupling mechanism including a first location [eye level] and a second location [against the body], the first location pivotally connected to the strap and the second location configured to releasably couple the catch mechanism, the coupling mechanism in a first secured position when uncoupled from the catch mechanism and a second secured position when coupled with the catch mechanism.

Regarding claim 41, “the coupling mechanism [48, 50] comprises a coupling band [around the waist] configured to secure the camera or housing of the camera [by 60, 62].”

Regarding claim 42, “the catch mechanism [60, 62] comprises a first portion [60] and a second portion [62], the first portion of the catch mechanism coupled with the coupling mechanism [48, 50 by 56, 58] and the second portion of the catch mechanism coupled with the strap [by 18, 20].”

Regarding claim 43, “the first portion [60] and the second portion [62]” are a hook and loop pair.

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Regarding claims 44 and 45, "the coupling mechanism" is disclosed as belonging to the group, col 3, lns 51-54.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyer et al.

Lyer et al. discloses a buckle assembly for adjusting the lengths of straps 12 and 14. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute a hook and loop fastener for the buckle assembly. One would have been motivated to substitute hook and loop fastener for the known benefit of quick and easy coupling and de-coupling.

Lyer et al. discloses a hook and loop pair for coupling the camera to the waistband. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute a magnetic fastener for the hook and loop fastener. One would have been motivated to substitute a magnetic fastener for the benefit of easy one hand attachment as a magnetic fastener essentially self-attaches.

Allowable Subject Matter

Claims 13-29 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

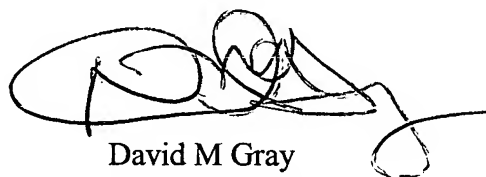
The prior art does not disclose or suggest the combination of claim elements as set forth in claims 13-29.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized flourish extending from the end of the signature.

David M Gray
Primary Examiner
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